

REMARKS

Claims 19 and 20 have been canceled. Claims 1-18 remain in the Application. The Office Action rejected Claims 1-20 under 35 U.S.C. Sec. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action states:

The limitation in Claim 1 that the bristle arm and the handle arm overlap "at least one-eighth the toothbrush length" is new matter not supported by the original disclosure. In paragraph [0029], the specification states that, for a bamboo handle, the bristle arm and the handle arm overlap 1.5 when the arms are 2-4 inches in length. These measurements mean that the length of the handle would be between 2.5 and 6.5 inches. With this range, the overlap of 1.5 inches would not be one-eighth of the length of the toothbrush.

Office Action, page 2, lines 10-17.

The Office Action is correct; in the particular paragraph quoted, paragraph [0029], the range is between just under one-fourth (0.23077) to 3/5 of the toothbrush length.

The Office Action continues:

In paragraph [0030], the specification states that a preferred embodiment includes a toothbrush with a length of 4 inches and an overlap of 2 inches. With these measurements, the overlap would not be one-eighth of the length of the toothbrush.

Office Action, page 2, lines 17-20.

Again the Office Action is correct. In the cited paragraph, the overlap is one-half the toothbrush length.

However, the Application goes on to note that “[i]n a preferred embodiment, the overlapped portion 116 is at least one inch to provide for sufficient stabilization of the toothbrush body joint during vigorous brushing . . .” Application, paragraph [0032].

As the Examiner discusses above, paragraph [0030] discloses a four-inch length per arm. In that instance, the 1-inch overlapping portion disclosed in paragraph [0032] results in a maximum toothbrush length of 7 inches, with the overlapping portion one-seventh of the total toothbrush length. Even with the 3-inch arm length discussed in paragraph [0031], the disclosed one-inch overlapping portion results in a 5-inch toothbrush length, with the overlapping portion one-fifth the extended length of the toothbrush.

The Application clearly discloses arm lengths between 2 and 4 inches and overlap within a range of 20% to 60% of the total extended length of the toothbrush. Accordingly, the claims have been rewritten to fall within that range.

Previous office actions have cited the following U.S. patents against the Application:

U.S. Patent No. 5,881,422 to Narwani.

U.S. Patent No. 949,587 to Ludington.

U.S. Patent No. 6,039,050 to Goldenberg.

U.S. Patent No. 2,454,995 to Curran.

U.S. Patent No. 5,184,719 to Gordon.

U.S. Patent No. 3,939,522 to Shimuzu.

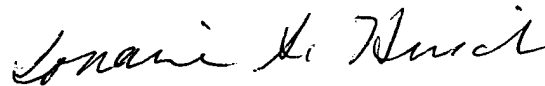
Although these references have not been cited against the claims as amended, Applicant wishes to emphasize that none of the cited art, either singly or in any combination, discloses the limitations of Applicant's claims. In particular, it should be noted that Applicant's claims as amended require (among other limitations) a toothbrush with arms of a compact length (within a range) and that fold in a particular plane. Moreover, these arms overlap in a particular defined way so as to add to the functionality of the toothbrush by increasing its stability during brushing. Even if taken in combination, the art does not disclose these limitations, *inter alia*. Nor does the art contain any teaching to modify the existing art to yield Applicant's invention. Accordingly, Applicant's invention as claimed is neither anticipated by nor obvious over the cited art.

Appl. No. 10/627462
Amdt. Dated Feb. 16, 2006
Reply to Office Action Dated Nov. 16, 2005

CONCLUSION

Applicant submits that the invention as claimed is not disclosed, taught, or suggested by the cited art. Therefore, it is submitted that all pending claims are allowable over the art of record and it is respectfully requested that the Application be passed to allowance and issue.

Respectfully submitted,



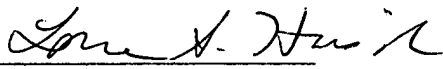
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on February 16, 2006

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